

**STATE OF INDIANA – OWEN COUNTY
IN THE OWEN CIRCUIT COURT**

**Notice of Proposed Local Rule Amendment and Finding Good Cause to
Deviate From Established Schedule
October 21, 2008**

Owen Circuit Court, pursuant to Trial Rule 81(B), gives notice of amendments to LR60-CR-6 concerning its Bond Schedule, and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

Notice has been given to the public by furnishing a copy with the Owen County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Owen County Bar Association.

Comments may be made until November 21, 2008 to:

The Honorable Frank M. Nardi, Judge, Owen Circuit Court, P.O. Box 86, Spencer, IN 47460, or by email at owencircuit@ccrtc.com.

These rule amendments will be effective on December 1, 2008.

DATED this 21st day of October, 2008.

_____/S/_____
Frank M. Nardi, Judge
Owen Circuit Court

LR60-CR-6 Bond Schedule

Pursuant to Indiana law, the Court now establishes the following bond schedule which shall apply to all individuals arrested in Owen County, Indiana. ~~The Court Orders that his Order shall supersede the Bond Schedule Order previously entered by this Court on August 14, 1989 in cause number 60C01-8908-MC-428 of this Court.~~

Said schedule shall not apply to any defendant arrested pursuant to a warrant issued by this Court and upon which the amount of bail Ordered by this Court is endorsed.

- I. An individual arrested for murder or for whom there is an arrest warrant pending in any other place shall not be admitted to bail without first appearing before this Court for purposes of a hearing regarding admission to bail.
- II. An individual arrested for any offense shall not be admitted to bail until the following information regarding said individual has been obtained and certified by computer check of criminal records, Bureau of Motor Vehicle records, IDACS or NCIC, communications with any law enforcement officer or agency or any other means approved by the Sheriff of Owen County, Indiana.
 1. Name
 2. Current address
 3. Date of birth
 4. Identification (i.e. Social Security # or BMV #)
 5. Whether there are any outstanding warrants for the arrest of said individual.
 6. The criminal record, if any, of the individual arrested.

III.

(A). After the information required by section II has been obtained and subject to the exceptions and requirements provided in all other sections hereof, an individual arrested in Owen County, Indiana, shall be released upon the posting of bond pursuant to the following schedule:

<u>Offense</u>	<u>Indiana Resident</u>	<u>Out of State Resident</u>
Class A Felony	\$50,000	\$100,000
Class B Felony	\$30,000	\$ 60,000
Class C Felony	\$20,000	\$ 40,000
Class D Felony	\$10,000	\$ 20,000
Class A Misdemeanor	\$ 3,650 <u>5,000</u>	\$ 5,000 <u>7,500</u>
Class B Misdemeanor	\$ 1,500 <u>5,000</u>	\$ 3,000 <u>5,000</u>
Class C Misdemeanor	\$ 1,500 <u>5,000</u>	\$ 3,000 <u>5,000</u>

(B). For all crimes against the person, including, murder, all batteries, all sex crimes, kidnapping, confinement, robbery, invasion of privacy and criminal recklessness, the

defendant shall be released on any bond until he or she has appeared before the Judge or Referee of the Owen Circuit Court at which time the amount of bond shall be specified by the Court.

(C). For any individual arrested for a felony who has 2 or more prior felony convictions, add \$100,000.00 to the bond specified in section III (A).

(D). For any individual arrested for a felony, who has 1 prior felony conviction, add \$20,000.00 to the bond specified in section III (A).

(E). For any individual arrested for any offense who is presently on bond out of any Court, who is subject to the terms and conditions of a suspended sentence or who has a previous failure to appear conviction in any Court, add \$10,000.00 to the bond specified in section III (a).

(F). For any individual arrested for any offense which is on probation or parole out of any Court, said individual shall be held without bond until his initial appearance before the Court so that a determination can be made under I.C. 35-33-8-6.

IV. An individual arrested for the offense of public intoxication and who is intoxicated shall not be admitted to bail pursuant to section III (A) until a period of fourteen hours has elapsed since his or her arrest. (This section does not apply to individuals charged with Operating A Vehicle While Intoxicated).

V. An individual arrested for the offense of operating a motor vehicle while intoxicated shall not be admitted to bail pursuant to sections III (A) until the following respective period of time, based upon the breathalyzer results of said individual, has elapsed since his arrest.

<u>Breathalyzer Result</u>	<u>Hours which must elapse Between arrest and release Pursuant to Section III (A)</u>
.10	4 hours
.11	4 hours 40 minutes
.12	5 hours 20 minutes
.13	6 hours
.14	6 hours 40 minutes
.15	7 hours 20 minutes
.16	8 hours
.17	8 hours 40 minutes
.18	9 hours 20 minutes
.19	10 hours
.20	10 hours 40 minutes
.21	11 hours 20 minutes
.22	12 hours

.23	12 hours 40 minutes
.24 and above or refusal to submit to breathalyzer	14 hours

VI. Ten Percent Cash Bond

(A). Any individual charged with a misdemeanor may post a 10% cash bond without prior approval of the Court provided that the defendant and the person posting said bond execute a Personal Appearance Bond With Ten Percent Cash Deposit form as specified by this Court.

(B). No individual charged with a felony may post a 10% cash bond unless the Court first approves the posting of such a bond. In the event that the Court approves such a bond, the defendant and the person posting the bond shall execute a Personal Appearance Bond With Ten Percent Cash Deposit form as specified by this Court.

(C). When a defendant and the person posting the bond have executed the Personal Appearance Bond With Ten Percent Cash Deposit form, the said form shall be delivered to the Clerk of this Court with the amount of the bond. When the conditions of the bond have been performed and when so Ordered by this Court, the Clerk of this Court shall retain ten percent (10%) of the deposit for administrative fees (which shall not exceed \$50.00), shall deduct the amount of any judgment for fines, Court costs, restitution, public defender fees or probation users fees and apply the same to the payment of said judgments and shall return the balance remaining, to the defendant or person who posted said bond.

VII. All bonds will be reviewed by this Court at the first Court appearance of the defendant.

VIII. When bond is posted as provided herein, the Sheriff of Owen County, Indiana, or his designated employee, shall cause the defendant to sign a promise to appear in the Owen Circuit Court. Three copies of such promise to appear shall be prepared. The original, with a copy of said bond attached, shall be filed with the Clerk of the Owen Circuit Court. The Sheriff shall deliver one copy of said promise to appear to the defendant, a second copy to the Prosecuting Attorney and shall retain one copy in the files of the Owen County Sheriff's Department.